NO. 48111-1-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent

v.

RONALD LEE SORENSON, Petitioner

FROM THE SUPERIOR COURT FOR CLARK COUNTY
CLARK COUNTY SUPERIOR COURT CAUSE NO.10-1-01995-2

RESPONSE TO PERSONAL RESTRAINT PETITION

Attorneys for Respondent:

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

RACHAEL R. PROBSTFELD, WSBA #37878
Senior Deputy Prosecuting Attorney

Clark County Prosecuting Attorney
1013 Franklin Street
PO Box 5000
Vancouver WA 98666-5000
Telephone (360) 397-2261

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Rules

IDENTITY OF RESPONDENT AND AUTHORITY FOR RESTRAINT

The State of Washington is the Respondent in this matter and Ronald Lee Sorenson (hereafter 'Sorenson') is the petitioner. Sorenson is restrained under the authority of the judgment and sentence entered in Clark County Superior Court cause number 10-1-01995-2 for four counts of Child Molestation in the First Degree, four counts of Child Molestation in the Second Degree, and one count of Child Molestation in the Third Degree.

STATEMENT OF THE CASE

I. Factual History

Sabrina Sorenson and Sorenson were married and had 4 biological children they raised together. RP 130. They also raised a niece, A.N.H. together, whom they considered a daughter. RP 130. Sorenson was born on June 28, 1971. A.N.H. was born on March 21, 1988. RP 131. B.E.S. was born on March 9, 1992. RP 131. B.L.S. was born on August 23, 1993. RP 131. B.J.S. was born on December 9, 1996. RP 131. A.K.B. is Sorenson's niece who was born on December 12, 1993. RP 132.

In July 2010 Sorenson's marriage was coming to an end. RP 133. Mrs. Sorenson testified one of the reasons she wanted to end her marriage was because she could not get over what B.J.S. told her had happened. RP

134. Mrs. Sorenson explained that B.J.S., when she was 13, told her that she woke up to her hand in her dad's pants or her dad's hands in her pants. RP 134. Mrs. Sorenson couldn't get past this and wanted to separate and she decided to tell their children. RP 133. Mrs. Sorenson arranged to have her girls meet with her the evening of July 22, 2010. CP 133-34; CP 169. They sat on the bed in her bedroom and she told her four daughters that she and their father were getting a divorce. CP 136. Mrs. Sorenson explained that she "couldn't get by" what B.J.S. had told her. CP 136. When the other girls heard what had happened to B.J.S., B.E.S. started to cry and put her head in the pillow, and A.N.H. also started to cry. RP 138. B.L.S. became quiet and withdrawn. RP 138. Mrs. Sorenson explained that Sorenson was persistent about being present during this conversation, but she kept telling him no. RP 138. Sorenson also tried to contact the girls during this meeting by calling each one of their cell phones repeatedly. RP 138.

It was common for Sorenson's daughters to sleep in his bed with him and his wife. RP 139-40. Mrs. Sorenson observed a sudden change in behavior with regards to B.J.S. sleeping in their bed when she quit sleeping in the bed if Sorenson was present. RP 140. B.E.S. also stopped sleeping in the bed if Sorenson was there saying that he would "throw up his leg" on her. RP 140.

Mrs. Sorenson observed that B.L.S., who was usually a pretty "happy-go-lucky kid," became withdrawn and depressed and she couldn't figure out why. RP 141. Mrs. Sorenson testified she knew of no reasons her daughters would be angry with Sorenson, aside from the allegations of abuse. RP 141.

B.J.S. testified that when she was 6, 7, or 8 years old she was asleep in her parents' bed and she woke up and her hand was inside Sorenson's pants. RP 192-93. B.J.S.'s hand was on his penis, on the skin. RP 193.

B.E.S. testified that Sorenson touched her for the first time when she was 11 years old while they were on a beach trip. RP 235. During that incident, Sorenson put his hand in her pants and moved his hand around on her vagina. RP 235. B.E.S. testified that she feigned waking up by moving around and then rolling out of the bed and going to the bathroom. RP 236. B.E.S. indicated this type of touching happened multiple times, at least 10 times. RP 237. The other times occurred in his bed at their home in Clark County. RP 238. B.E.S. described another incident where she was 11 or 12 years old and he put his hands in her pants and she left his room and went into her bedroom, but he followed her and continued touching her. RP 239-40. B.E.S. also described incidents where she woke up to have her hand inside Sorenson's pants, and one time his penis was in

between her butt cheeks. RP 241. When her hand was on his penis, B.E.S. felt that his penis was wet and hard. RP 241. This type of touching would occur about once a month. RP 246. B.E.S. told her best friend about the abuse before she told anyone else. RP 250-51. That friend, Desirae Cook testified at trial that she is friends with B.E.S. and that in 2007 B.E.S. told her that her father had sexually abused her. RP 366. B.E.S. was scared and upset while telling her about it. RP 367.

A.N.H. testified that she came to live with Sorenson and his family when she was 13 years old. RP 282. Sorenson was affectionate with her, as he was with his other girls. RP 286-87. A.N.H. described an incident when she was 13 years old where she was laying down with Sorenson, "spoon-style" on the couch watching TV. RP 287; 289. Sorenson began touching and rubbing her stomach and continued going lower on her body. RP 287. Sorenson's hand then went to her side and to her leg, and then into her pants and "all the way down there." RP 289-90. A.N.H. specified he touched her genitals. RP 290. Sorenson unbuttoned her pants to accomplish this. RP 291. A.N.H. testified she didn't know what to do and just froze. RP 287. She then started to cry and got up off the couch and went to the bathroom, ending the touching incident. RP 287-88.

A.K.B. testified that Sorenson is her uncle, her mother's brother. RP 370. A.K.B. was close with Sorenson's family when she was younger.

RP 369. A.K.B. described incidents where she was laying on the couch with Sorenson "spooning style" watching TV when she was in the fourth grade. RP 370-71. While laying with Sorenson, he touched her on her breasts and crotch areas, rubbing them. RP 371. A.K.B. testified this touching occurring on fifteen to twenty occasions.

B.L.S. testified that she was close with her father growing up and thought he would "never do anything like that" to her. RP 404. She was 11, 12 or 13 years old the first time she woke up with her hand in her father's pants, on his penis. RP 405. B.L.S. described another incident when she was 13 or 14 where she was asleep and then woke up to her hand on her father's penis, and his hand down her pants resting on top of her underwear. RP 407-08. A third incident occurred where Sorenson put his hand inside her pants, inside her underwear. RP 409-10.

Sorenson testified he had no inappropriate sexual contact with any of the girls. RP 495.

Detective Oman of the Clark County Sheriff's Office testified that she did not obtain any physical evidence or have the victim's examined for evidence because in her experience the delay in time and the type of allegation, fondling, would not produce any physical evidence for her to obtain. RP 185-87.

II. Procedural History

Sorenson was charged by Fifth Amended Information with 11 counts of Child Molestation in the First, Second and Third Degrees. CP 29-33. The charges spanned a time period between 2001 and 2007 and involved 5 alleged victims. CP 29-33. Prior to trial, Sorenson moved for a continuance because he wanted to interview potential defense witnesses who would testify to having seen Sorenson and the victims together and observed no abuse, and to Sorenson's good character for truthfulness. RP 29. The trial court denied the motion to continue. Sorenson testified in his defense, but presented no other witnesses. RP 476-524. The defendant was convicted of 9 of the 11 charges after a jury trial, and for each of the 9 counts the jury returned a special verdict that Sorenson violated a position of trust. CP 78-99. After the trial, Sorenson filed a Motion for a new trial or for arrest of judgment. CP 100. The court denied his motion. CP 110. The court sentenced Sorenson to an exceptional term of 240 months to Life on Counts 1, 2, 10 and 11 on the basis of the aggravating factor found by the jury, and his high offender score caused some crimes to go unpunished, and sentenced him to standard range terms for the remaining counts. CP 122-34.

Sorenson filed a direct appeal, which was decided by this Court in an unpublished decision in case number 43199-8, *State v. Sorenson*. On

his direct appeal, Sorenson raised several issues including that the trial court abused its discretion in failing to grant defense's motion to continue, that the state offered insufficient evidence for his first degree child molestation convictions, that the trial court erred in failing to provide a limiting instruction, and that prosecutorial misconduct denied him a fair trial. He also argued that scrivener's errors present in his judgment and sentence required correction. The State agreed there were scrivener's errors in his judgment and sentence, and this Court affirmed his convictions and remanded for correction of the judgment and sentence. This Court issued its decision on January 28, 2014. *See* Appendix B (Unpublished Opinion). Sorenson sought review to the Supreme Court, but his petition was denied, and this Court's opinion became the decision terminating review. *See* Appendix C (Mandate). The mandate was signed on August 12, 2014 and filed on August 18, 2014. *Id.* Sorenson signed a written waiver of his presence for the superior court hearing to correct his judgment and sentence. *See* Appendix E (Waiver of Presence). The Superior Court entered an order correcting the scrivener's errors in his judgment and sentence on September 16, 2014. *See* Appendix D (Order Correcting Judgment and Sentence). Sorenson filed the instant petition on September 15, 2015.

ARGUMENT AS TO WHY PETITION SHOULD BE DISMISSED

I. Sorenson's Petition is Untimely

A conviction may be collaterally attacked on any grounds for one year after the judgment becomes final. RCW 10.73.090. After a year, a petitioner challenging a judgment that is "valid on its face and was rendered by a court of competent jurisdiction," is limited to the six grounds for relief enumerated in RCW 10.73.100. RCW 10.73.090(1). A judgment is final on the latest of three possible dates: 1) when the judgment is filed with the clerk of the trial court; 2) the date that an appellate court issues its mandate disposing of a timely direct appeal from the conviction; or 3) the date the U.S. Supreme Court denies a timely petition for certiorari to review a decision affirming the conviction on direct appeal. RCW 10.73.090(3)(a)-(c). Sorenson's petition is untimely because it was not filed within one year of his judgment and sentence becoming final, and he does not and cannot show any exceptions to the time bar exist. The issue at hand is when Sorenson's judgment and sentence became final. Based on statutory authority and case law, Sorenson's judgment was final on August 18, 2014. As Sorenson did not file the instant petition until September 15, 2015, it is untimely. His petition should be dismissed.

Sorenson was convicted by jury on January 25, 2012. *See* Appendix A (Judgment and Sentence). He was sentenced on March 8, 2012. *Id.* Sorenson appealed his convictions, which were affirmed by the Court of Appeals in an opinion issued on January 28, 2014. *See* Appendix B (Unpublished Opinion of the Court of Appeals). The Court of Appeals remanded to the trial court to correct a scrivener's error in the judgment and sentence: the dates of the offenses were incorrectly listed on the judgment and sentence. *Id.* The mandate issued on August 12, 2014 and filed on August 18, 2014. *See* Appendix C (Mandate). The trial court entered an order correcting the scrivener's error on September 16, 2014. *See* Appendix D (Order Correcting Judgment and Sentence). Sorenson waived his right to be present for "the correction of scrivener's errors in the judgment and sentence." *See* Appendix E (Waiver of Presence). Sorenson then filed the instant petition on September 15, 2015. Sorenson argues his petition is timely under *In re Personal Restraint of Skylstad*, 160 Wn.2d 944, 162 P.3d 413 (2007) and *State v. Contreras-Rebollar*, 177 Wn.2d 563, 303 P.3d 1062 (2013). However, these cases are not on point, and are factually distinguishable from Sorenson's case. Their application does not render Sorenson's petition timely.

In *Skylstad*, the defendant was convicted on February 8, 2002. *Skylstad,* 160 Wn.2d at 946. Skylstad appealed and the Court of Appeals

issued its opinion on October 7, 2003, affirming the conviction, but reversing the sentence. *Id.* The Supreme Court denied review and the mandate was issued on May 14, 2004. *Id.* Skylstad was resentenced on July 28, 2004, and he again appealed. *Id.* On October 11, 2005, Skylstad's sentence was affirmed by the Court of Appeals. *Id.* The Supreme Court denied review of this second direct appeal on September 6, 2006. *Id.* The mandate was issued on September 15, 2006. *Id.* at 947. Skylstad filed a personal restraint petition on November 21, 2005. *Id.* at 946. The issue before the Court in this review was whether Skylstad's petition filed on November 21, 2005 was timely and this depended on whether the mandate from the original direct appeal constituted final judgment in this case. *Id.* at 947. The Supreme Court found that the original mandate did not create finality in this case as the trial court still had to resentence Skylstad. *Id.* at 950. Skylstad's judgment was not final until his sentence was final. *Id.* Thus, Skylstad's judgment and sentence was final for purposes of calculating the time period for purposes of RCW 10.73.090 after review was terminated on his second direct appeal.

The timeline and facts of Sorenson's case differ significantly from those of *Skylstad.* The trial court in *Skylstad* resentenced the defendant after the Court of Appeals issued its first mandate. That new sentencing created an additional direct appeal right for the defendant, thus prolonging

the timeline for filing a collateral attack. Skylstad's second direct appeal was not yet final when he filed his collateral attack. However, Sorenson's appeal was final and no other direct appeal was pending. Further, in Sorenson's case, the trial court did not resentence him on remand, but only corrected a scrivener's error at the Court of Appeals' direction. This action by the trial court was not an exercise of judgment or discretion and therefore did not create any additional appeal right, nor otherwise extend the finality of its prior judgment.

Sorenson also argues that *State v. Contreras-Rebollar*, 177 Wn.2d 563, 303 P.3d 1062 (2013) applies to his case and renders his petition timely. However, this case is factually inapposite and its reasoning does not apply to Sorenson's case. In *Contreras-Rebollar*, the defendant was convicted in 2007. *Contreras-Rebollar*, 177 Wn.2d at 564. On direct appeal, his convictions were affirmed, but the Court of Appeals remanded for resentencing. *Id.* The mandate issued in April 2010. *Id.* The trial court resentenced the defendant in July 2010. *Id.* The defendant again appealed, and while his second appeal was pending, he filed a personal restraint petition in March 2011. *Id.* The Court of Appeals consolidated his petition with his second direct appeal. *Id.* In August 2011, the defendant moved to supplement his petition, and this motion was granted. *Id.* The defendant filed his supplemental brief on November 22, 2011. *Id.* at 565. The Court

of Appeals issued its opinion on the consolidated second direct appeal and personal restraint petition in June 2012, remanding for resentencing, but denying the personal restraint petition, finding the supplemental petition was untimely. *Id.* The Supreme Court, on review, noted that the one year time period for the bar on collateral attacks does not begin until the judgment and sentence becomes final on direct appeal. *Id.* (citing RCW 10.73.090(3)(b)). As the trial court resentenced the defendant, and his appeal on that was still pending, finality of the judgment and sentence was delayed. *Id.* Thus, the defendant's supplemental petition, filed while his appeal was still pending, was timely. *Id.*

As with *Skylstad*, the reasoning in *Contreras-Rebollar* is inapplicable to Sorenson's case as Sorenson was not resentenced by the trial court on remand. In *Contreras-Rebollar*, as with *Skylstad*, the trial court's resentencing created an additional direct appeal right for the defendant, prolonging the finality of the judgment. This type of resentencing did not occur in Sorenson's case and thus the mandate issued by the Court of Appeals in August 2014 did create finality in the judgment and sentence. It is therefore from the date of the mandate that the time period for calculating timeliness of a collateral attack begins.

The trial court's correction of Sorenson's judgment and sentence did not create a new appealable issue, or affect the finality date of the

judgment. In *State v. Barberios*, 121 Wn.2d 48, 846 P.2d 519 (1993) the Supreme Court found that a trial court's correction of a judgment and sentence did not give rise to a new appealable issue. *Barberios*, 121 Wn.2d at 50. When a trial court makes only corrective changes in an amended judgment and sentence, the court is not exercising its independent judgment on remand. *Id.* at 51. This decision in *Barberios* has been applied in our Courts of Appeals to bar a defendant from challenging community placement conditions for the first time on a second appeal where the trial court on remand corrected terms, but did not revisit the placement conditions, *State v. Traicoff*, 93 Wn.App. 248, 257-58, 967 P.2d 1277 (1998), and to bar a defendant from appealing an amendment of a judgment and sentence where the appellate court's award was made part of the judgment on remand. *State v. Mahone*, 98 Wn.App. 342, 346, 989 P.2d 583 (1999). The Supreme Court furthered the *Barberios* reasoning in *State v. Kilgore*, 167 Wn.2d 28, 216 P.3d 393 (2009) when it found Kilgore's judgment and sentence was final after the appellate mandate, even when the matter was remanded to the trial court for correction of the judgment and sentence.

Our Supreme Court jurisprudence supports the finding that Sorenson's judgment became final upon the issuance of the Court of Appeals mandate, and that the trial court's correction of the judgment and

sentence did not affect finality. In *Kilgore*, the defendant was convicted by a jury in 1998 of seven counts involving molesting and raping multiple children related to him. *Kilgore,* 167 Wn.2d at 33. He was sentenced on December 1, 1998. *Id.* He appealed and the Court of Appeals reversed two counts, and affirmed the remaining and remanded for 'further proceedings.' *Id.* at 34. The Supreme Court affirmed and its decision was final on October 7, 2002. *Id.* On remand, on October 7, 2005, the State chose not to retry Kilgore on the two reversed counts and the trial court entered an order correcting the judgment and sentence to strike the two reversed counts from the judgment and sentence and correcting his offender score. *Id.* Kilgore again appealed and the issue was whether Kilgore's judgment and sentence was final upon the issuance of the mandate on October 7, 2002 or whether it was final after the trial court acted on remand on October 7, 2005. *Id.* at 35. The determination of the date of finality was intrinsic to Kilgore's claim that *Blakely* should apply retroactively to his case and thus his exceptional sentence was improper. *Id.* In examining its prior decision in *Barberios*, *supra,* the *Kilgore* Court noted that when a trial court simply corrects the original judgment and sentence, it is that judgment and sentence which controls the defendant's conviction and term of incarceration. *Id.* at 40-41. The *Kilgore* Court found the trial court exercised no independent judgment in correcting the

judgment and sentence to reflect the reversed counts and thus Kilgore's case was final when his time to petition for certiorari elapsed. *Id.* at 41 (citing to *Barberios*, 121 Wn.2d at 50). Thus the trial court's correction on remand did not prolong the finality of the judgment from the original appeal's mandate.

The *Kilgore* reasoning applies directly to Sorenson's case. The Court of Appeals affirmed Sorenson's convictions and sentence on his direct appeal. The matter was remanded to the trial court simply to correct the judgment and sentence where it listed the date on which a few of the offenses occurred, as the dates did not match up with the dates in the information upon which Sorenson was tried. This correction was only to correct a scrivener's error, and the trial court exercised no independent judgment or discretion in entering the order correcting the errors. The trial court acted on the Court of Appeals' direction to correct the judgment and sentence. The events here are on par with the events in *Kilgore*, *supra*, and thus *Kilgore* controls this Court's inquiry into timeliness of Sorenson's petition. Under the holding and reasoning of *Kilgore*, *supra*, Sorenson's judgment and sentence was final upon the issuance of the mandate by the Court of Appeals in August 2014.

Another holding of the Supreme Court provides guidance on this issue. In *In re Pers. Restraint of Adams*, 178 Wn.2d 417, 309 P.3d 451

(2013), the Supreme Court addressed the question of when a defendant's judgment and sentence was final for purposes of the timeliness of a collateral attack after a resentencing due to an erroneously calculated offender score. There, the defendant was convicted in 2000 after trial of Murder in the First Degree and Unlawful Possession of a Firearm. *Adams,* 178 Wn.2d at 420. He did not appeal, but filed a personal restraint petition in 2001. *Id.* The Court of Appeals dismissed his petition as conclusory. *Id.* at 421. In 2009, Adams filed a motion to vacate his judgment and sentence arguing his offender score was miscalculated. *Id.* The State agreed his offender score was improperly calculated and Adams was resentenced in June 2009 based on a recalculated offender score. *Id.* In October 2009, Adams filed a personal restraint petition alleging ineffective assistance of trial counsel, claiming his petition was timely because it was filed within one year of resentencing. *Id.* The Supreme Court granted discretionary review on this issue. *Id.* The Court found that Adams' petition was time-barred because his claim of ineffective assistance did not fit within any exception to the time bar under chapter 10.73 of the RCW and the effect of correcting a sentencing error found in the judgment and sentence is not to open up his entire case for collateral attack on trial issues, but only to correct alleged sentencing errors. *Id.* at 427. The *Adams* Court considered *Skylstad, supra* and *In re Pers. Restraint of Coats*, 173 Wn.2d 123, 267

P.3d 324 (2011) in coming to this conclusion. The Court essentially limited the *Skylstad* holding to cases where direct review of a defendant's sentence is still pending, finding there that the time bar for collateral review had not run because direct review was still pending. *Adams,* 178 Wn.2d at 426-27 (discussing *Skylstad*, 160 Wn.2d at 950).

In Sorenson's case, direct review had been terminated. No appellate review was pending, and the trial court's action in correcting the judgment and sentence on September 16, 2014 did not ignite a new appeal right. Therefore, the one year time period for the purpose of calculating timeliness of a collateral attack began to run on August 18, 2014, when the Court of Appeals issued its mandate. When Sorenson did not file any collateral attack by August 18, 2015, the statutory provisions included in RCW 10.73.090 and 10.73.100 became the sole bases for relief available to Sorenson via personal restraint petition.

In order for Sorenson's petition to be accepted as timely, he has to base his petition solely on one of the grounds for relief specifically mentioned in RCW 10.73.100, such as newly discovered evidence, significant change in law, etc. (which Sorenson does not allege), or he has to show his judgment and sentence was invalid on its face. Our Supreme Court has recently addressed facial invalidity of judgments and sentences that contain scrivener's errors in *Coats, supra.* There, the defendant's

judgment and sentence misstated the maximum sentence for one of his offenses. *Coats*, 173 Wn.2d at 126. The defendant had been convicted after a guilty plea, and did not appeal, but filed a personal restraint petition fourteen years after sentencing. *Id.* at 127. Coats argued his petition was timely because the judgment and sentence was "facially invalid" due to the scrivener's error, and argued he should be allowed to withdraw his guilty plea on this basis. *Id.* In deciding this case, the Supreme Court found that "[m]ere typographical errors easily corrected would not render a judgment invalid. Similarly, errors in fact such as a date or place would not necessarily render a judgment invalid." *Id.* at 135. The Court went on to find that Coats's petition was time barred as the error on the judgment and sentence did not make it facially invalid, and even if it was, "the 'not valid on its face' limitation of RCW 10.73.090 is not a device to make an end run around the one-year time bar for most errors, including errors at trial that affect a fair trial." *Id.* at 144.

As in *Coats, supra*, the error on Sorenson's judgment and sentence was a "mere typographical error" that was easily corrected. Such an error does not render a judgment invalid on its face. *Coats*, 173 Wn.2d at 135. Sorenson's judgment and sentence was therefore not invalid on its face and the one-year time bar under RCW 10.73.090 applies. As Sorenson does not raise any or solely issues contained in RCW 10.73.100, which

grants an exception to the one year time bar, his petition is untimely because it was filed more than one year after his judgment became final. This Court should dismiss Sorenson's petition as untimely.

II. Sorenson Has not Demonstrated he Received Ineffective Assistance of Counsel

Sorenson claims he is under unlawful restraint because he received ineffective assistance of counsel because his trial counsel failed to investigate or interview potential defense witnesses and did not present an expert witness on a suggestive or implanted memory defense. Sorenson has failed to support his claims with sufficient evidence and has not met his burden in showing he was deprived the effective assistance of counsel. His petition should be dismissed.

A personal restraint petition is not a substitute for a direct appeal. *In re Pers. Restraint of Hagler*, 97 Wn.2d 818, 823-24, 650 P.2d 1103 (1982). A personal restraint petitioner must prove either a constitutional error that caused actual prejudice or a nonconstitutional error that caused a complete miscarriage of justice. *In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990). Moreover, because a personal restraint petition is not a second bite at a direct appeal, "new issues must meet a heightened showing before a court will grant relief." *In re Yates*, 177 Wn.2d 1, 17, 296 P.3d 872, 880 (2013); *Coats*, 173 Wn.2d at 132 (holding

that relief "by way of a collateral challenge to a conviction is extraordinary, and the petitioner must meet a high standard before this court will disturb an otherwise settled judgment") (citation omitted). Moreover, the petitioner "must make these heightened showings by a preponderance of the evidence." *Yates*, 177 Wn.2d at 17.

In a personal restraint petition, the petitioner bears the burden of showing prejudicial error. *State v. Brune*, 45 Wn.App. 354, 363, 725 P.2d 454 (1986); *In re Pers. Restraint of Monschke*, 160 Wn.App. 479, 489, 251 P.3d 884 (2010). Bare allegations unsupported to citation to authority, references to the record, or persuasive reasoning cannot sustain this burden of proof. *Brune,* 45 Wn. App. at 363. The petitioner must support the petition with the facts upon which the claim of unlawful restraint rests, and he may not rely solely on conclusory allegations. *Monschke*, supra, at 488; *In re Personal Restraint of Cook*, 114 Wn.2d 802, 813-14, 792 P.2d 506 (1990); RAP 16.7(a)(2)(i). When the allegations are based on matters outside the existing record, the petitioner must demonstrate that he has competent, admissible evidence to establish the facts that entitle him to relief. *Monschke* at 488; *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). If the petitioner fails to make this threshold showing, then he cannot bear his burden of showing prejudicial error. *Monschke*, supra, at 489.

In evaluating personal restraint petitions, the Court can:

> (1) dismiss the petition if the petitioner fails to make a prima facie showing of constitutional or nonconstitutional error; (2) remand for a full hearing if the petitioner makes a prima facie showing but the merits of the contentions cannot be determined solely from the record; or (3) grant the personal restraint petition without further hearing if the petitioner has proven actual prejudice or a miscarriage of justice.

Cook, 114 Wn.2d at 810-11; *In re Pers. Restraint of Hews*, 99 Wn.2d 80, 88, 660 P.2d 263 (1983). A petitioner's bare assertions and self-serving statements are insufficient to justify a reference hearing, let alone to establish actual and substantial prejudice or a complete miscarriage of justice. *Yates*, 177 Wn.2d at 18; *See also In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992); *In re Reise*, 146 Wn.App 772, 780, 192 P.3d 949 (2008); RAP 16.7(a)(2)(i). Moreover, for "matters outside the existing record, the petitioner must demonstrate that he has competent, admissible evidence to establish the facts that entitle him to relief; if the evidence is based on knowledge in the possession of others, the petitioner may either present their affidavits or present evidence to corroborate what the petitioner believes they will reveal if subpoenaed." *Yates*, 177 Wn.2d at 18 (internal quotations omitted). This corroboration "must be more than mere speculation or conjecture." *Id.* (citation omitted).

A criminal defendant has a right to effective assistance of counsel at every critical stage of a criminal proceeding. *State v. Shelmidine*, 166 Wn.App. 107, 111, 269 P.3d 362 (2012) (citations omitted). In order to prove ineffective assistance of counsel, the defendant must show that (1) counsel's performance fell below an objective standard of reasonableness and (2) counsel's performance prejudiced the defendant. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *State v. McFarland*, 127 Wn.2d 322, 334–35, 899 P.2d 1251 (1995). Moreover, a "fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time." *State v. Grier*, 171 Wn.2d 17, 34, 246 P.3d 1260 (2011) (quoting *Strickland*, 466 U.S. at 689).

The analysis of whether a defendant's counsel's performance was deficient starts from the "strong presumption that counsel's performance was reasonable." *State v. Kyllo*, 166 Wn.2d 856, 862, 215 P.3d 177 (2009); *State v. Hassan*, 151 Wn.App. 209, 217, 211 P.3d 441 (2009) ("Judicial scrutiny of counsel's performance must be highly deferential.") (quotation and citation omitted). Thus, "given the deference afforded to decisions of defense counsel in the course of representation" the

"threshold for the deficient performance prong is high." *Grier*, 171 Wn.2d at 33.

Defense counsel has a duty to "conduct a reasonable investigation" into the State's evidence. *In re Personal Restraint of Elmore*, 162 Wn.2d 236, 253, 172 P.3d 225 (2007). Indisputably, however, "[t]he duty to investigate does not necessarily require that every conceivable witness be interviewed." *In re Personal Restraint of Davis*, 152 Wn.2d 647, 739, 101 P.3d 1 (2004). This makes sense given that counsel is entitled to make reasonable professional judgments about the scope of investigation and the fact that "[t]he degree and extent of investigation required will vary depending on the issues and facts of each case. . . ." *A.N.J.*, 168 Wn.2d at 111; *Strickland*, 466 U.S. at 691. In fact, if a defense attorney receives comprehensive discovery from the State, especially if it contains "everything of significance," he can provide effective representation without conducting interviews. *See Shelmidine*, 166 Wn.App. at 113-14. Simply put, witness interviews are not a condition precedent to effective representation. A defendant seeking relief under a failure to investigate theory "must show a reasonable likelihood that the investigation would have produced useful information not already known to defendant's trial counsel." *In re Pers. Restraint of Davis,* 152 Wn.2d 647, 739, 101 P.3d 1 (2004).

Sorenson claims his attorney was unprepared for trial because he had not interviewed potential defense witnesses nor prepared a defense. Yet Sorenson has failed to show any witness who could have testified in his defense to relevant facts and how such witness would have impacted the outcome of the trial. Sorenson has presented no evidence in support of his claim that his counsel's failure to investigate defense witnesses prejudiced him. The 72 witnesses that Sorenson wanted his defense attorney to investigate and interview, witnesses he seems to have first informed his counsel of just before trial, had nothing relevant to offer and likely would have been excluded as witnesses at trial. Defense counsel told the court some of these witnesses would indicate that they observed the defendant with the victims and that they saw no sexual contact. 1 RP at 29. The fact that the defendant interacted with his daughters on many occasions in front of others when he did not molest or rape them is irrelevant to whether he did molest or rape them on the occasions they alleged-in their house, alone, in bed or on the couch, not in the presence of others. The other potential subject Sorenson claimed to the trial court that these potential witnesses would testify to is his own good reputation for truthfulness. However, this evidence would have been excluded under ER 608 as evidence of a witness's truthful character is only admissible after the character for that witness has been attacked. ER 608. The State never

attacked Sorenson's character for truthfulness, therefore no defense witness would have been allowed to testify about Sorenson's reputation for honesty. Sorenson cannot show that any of the potential defense witnesses would have had any relevant, admissible evidence to add to the trial, nor that their testimony would have changed the outcome of the trial. Sorenson has offered no affidavits from these witnesses to show exactly what their testimony would have consisted of, and what benefit it would have been to his case to have additional witnesses testify. When a petitioner's claim for relief is based on matters outside the record, like when a petitioner claims his attorney's failure to call witnesses prejudiced him, it is that petitioner's burden to establish the facts that entitle him to relief through the presentation of witness affidavits or other evidence. *Yates*, 177 Wn.2d at 18. Sorenson has completely failed to provide any such supporting or corroborating evidence. His self-serving, bare assertions are insufficient to establish actual and substantial prejudice, or even to justify a reference hearing. *Id.*

Sorenson also claims his attorney was ineffective for failing to call an expert witness on false memory or implanted memory issues. A defense attorney's reasonable tactical choices do not constitute deficient performance. *Strickland*, 466 U.S. at 689. Generally, "the decision whether to call a witness is a matter of legitimate trial tactics and will not

support a claim of ineffective assistance of counsel." *State v. Maurice*, 79 Wn.App. 544, 552, 903 P.2d 514 (1995). Although in some cases the assistance of an expert is necessary to test and evaluate the evidence against a defendant. *State v. A.N.J.*, 168 Wn.2d 91, 112, 225 P.3d 956 (2010). Though in other cases, failure to use an expert witness is strategic. *State v. Mannering*, 150 Wn.2d 277, 287, 75 P.3d 961 (2003). It remains Sorenson's burden to show the absence of a legitimate strategic or tactical reason supporting counsel's conduct. *State v. Hendrickson*, 129 Wn.2d 61, 78-79, 917 P.2d 563 (1996). Sorenson fails to do so.

Sorenson cites to *Gersten v. Senkowski*, 426 F.3d 588 (2d Cir. 2005) to support his claim that the failure to call a memory expert in his trial constitutes ineffective assistance of counsel. However, Sorenson's reliance on *Gersten* is misplaced. *Gersten* involved a trial for sexual abuse during which the State presented a medical doctor who testified that the victim's hymenal tissue showed clefts and notches which were highly suggestive of penetrating trauma. *Gersten*, 426 F.3d at 595. Gersten presented no witnesses at trial and was convicted. *Id.* Upon moving to vacate his conviction, Gersten submitted an affidavit from a medical expert stating that there was no physical evidence of penetrating trauma and none of the physical medical findings corroborate the allegations of abuse. *Id.* at 599-600. Based on this, the Court found Gersten's trial

the first volume of the RP the court and counsel are discussing a motion to continue, and no mention of an expert or memory expert is made. Sorenson has the burden to make appropriate citations to the record and to support his arguments with evidence and citation to authority. There is no order appointing or authorizing a memory expert in the clerk's papers from the direct appeal on this case, nor does Sorenson attach said order to his petition. However, even if the trial court did authorize funds for the hiring of an expert memory witness, and defense counsel did intend to use such funds to secure a witness on memory, Sorenson has not supported his claim that counsel's failure to call an expert as a trial witness was not a tactical decision. Sorenson could have supported his petition with an affidavit from his trial counsel explaining why he did not use a memory expert at trial. Presumably, if the reason for this failure to call such a witness was to Sorenson's benefit on this petition he would have done so. But he has not. Instead, Sorenson implies and alleges his counsel's failure to call such a witness was ineffective. The State can equally speculate that counsel chose not to call a memory expert because no expert was willing to testify to anything beneficial to Sorenson. It's entirely possible defense counsel consulted with an expert who told counsel that there was no evidence of implanted memories or suggested memories and the victims' disclosures had the distinct ring of truth to them. If such a thing occurred,

it would have been purely a tactical reason for defense to choose not to call such an expert as a witness. This Court does not know why defense counsel did or did not consult with an expert pre-trial or why defense counsel did not call an expert witness at trial. But to speculate and presume that this decision was the result of lack of preparation and ineffectiveness would render all convictions susceptible to frivolous claims of ineffectiveness of counsel. But indeed, such a presumption is the opposite of the legal standard applied in this State. Counsel is presumed to have been effective. Sorenson has the burden of establishing his decisions were not strategic or tactical and that these decisions resulted in prejudice to him. He has not met his burden in the slightest.

However, if this Court does find Sorenson has made an initial showing of ineffective assistance of counsel, the proper procedure would be to order the Superior Court to conduct a reference hearing to take testimony of Sorenson's expert witness and other defense witnesses he would have presented at trial before granting his petition.[1] At a reference hearing, the trial court hears testimony and makes factual findings and

[1] Though the State would argue this Court should only grant a reference hearing if a petitioner has stated which facts entitle him to relief and what evidence would be available to support these factual allegations. The purpose of a reference hearing is to resolve genuine factual disputes and is not a vehicle for discovery or a way to determine whether the petitioner has any evidence to support his allegations. Sorenson has presented no witness affidavits to support his claims he has viable defense witnesses to present at trial or that an expert witness would have affected the outcome of his case, thus Sorenson has not met the threshold requirement for a reference hearing. *In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992).

credibility determinations and those credibility determinations cannot be reviewed on appeal. *See Davis*, 152 Wn.2d at 679-80. The credibility of any potential witnesses, and the weight to give the witnesses' testimony and the likelihood of their testimony affecting the verdict are decisions for the trial court. Furthermore, at this stage, as Sorenson has presented no evidence to substantiate his claim, the State has no ability to refute the potential testimony of his potential witnesses. Sorenson cannot show how an expert witness would have impacted the outcome of his trial because he has offered no evidence from an expert. The State has therefore had no opportunity to hire an expert of its own to refute Sorenson's expert's testimony. Granting Sorenson's petition at this stage, even if this Court were satisfied that Sorenson's attorney made an improper decision in not presenting an expert witness, would be premature. Sorenson's petition should not be granted unless or until the trial court enters findings after a reference hearing that Sorenson's expert is credible, and more credible than a competing State expert.

CONCLUSION

Sorenson's petition is untimely as it was filed more than one year after his judgment became final. But even if this Court finds it was timely filed, the petition should be dismissed because Sorenson has failed to

support his claims with sufficient evidence to show his counsel was deficient and he has failed to show how any performance by his counsel prejudiced him. Sorenson has not met his burden and his petition should be dismissed.

DATED this 20th day of May, 2016.

Respectfully submitted:

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

By: _____
RACHAEL R. PROBSTFELD, WSBA #37878
Senior Deputy Prosecuting Attorney
OID# 91127

APPENDIX A

Jail X2

C. James Sowder

22

S5

FILED
MAR 08 2012 3:35
Scott G. Weber, Clerk, Clark Co.

12-9-01426-3

Superior Court of Washington
County of Clark

State of Washington, Plaintiff,

vs.

RONALD LEE SORENSON,
Defendant.

SID: _____
If no SID, use DOB: 6/28/1971

No. 10-1-01995-2 ✓

Felony Judgment and Sentence -- Prison

☒ **RCW 9.94A.507 Prison Confinement**
(Sex Offense and Kidnapping of a Minor)
(FJS)

☒ **Clerk's Action Required, para 2,1, 4.1, 4.3a, 4.3b, 5.2, 5.3, 5.5 and 5.7**

☐ **Defendant Used Motor Vehicle**

☐ **Juvenile Decline** ☐ **Mandatory** ☐ **Discretionary**

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

There being no reason why judgment should not be pronounced, in accordance with the proceedings in this case, the court ***Finds:***

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon
☐ guilty plea ☒ jury-verdict 1/25/12 ☐ bench trial :

Count	*Crime*	*RCW (w/subsection)*	*Class*	*Date of Crime*
01	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	FA	3/9/2002 to 3/8/2004
02	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	FA	12/9/2002 to 3/8/2008
03	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	FB	3/9/2004 to 3/9/2006
04	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	FB	3/9/2004 to 3/8/2006

138
BF

07	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	FB	8/23/2004 to 8/22/2007
08	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	FB	8/23/2004 to 8/22/2007
09	CHILD MOLESTATION IN THE THIRD DEGREE	9A.44.089	FC	8/23/2007 to 8/22/2009
10	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	FA	12/12/2003 to 12/11/2005
11	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	FA	12/12/2003 to 12/11/2005

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)
(If the crime is a drug offense, include the type of drug in the second column.)

☐ Additional current offenses are attached in Appendix 2.1a.

☒ The defendant is a sex offender subject to indeterminate sentencing under **RCW 9.94A.507.**

The jury returned a special verdict or the court made a special finding with regard to the following:

☐ The defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage a victim of child rape or child molestation in sexual conduct in return for a fee in the commission of the offense in Count _____. RCW 9.94A.839.

☐ The offense was predatory as to Count _____. RCW 9.94A.836.

☐ The victim was under 15 years of age at the time of the offense in Count _____ RCW 9.94A.837.

☐ The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Count _____. RCW 9.94A.838, 9A.44.010.

☐ The defendant acted with **sexual motivation** in committing the offense in Count _____. RCW 9.94A.835.

☐ This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.

☐ The defendant used a **firearm** in the commission of the offense in Count _____. RCW 9.94A.825, 9.94A.533.

☐ The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____ _____. RCW 9.94A.825, 9.94A.533.

☐ Count _____, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.

☐ The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** in Count _____. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.

☐ Count _____ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that **minor** in the commission of the offense. RCW 9.94A.833.

☐ Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.____.

☐ The defendant committed ☐ **vehicular homicide** ☐ **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.

☐ Count _____ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.

☐ Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. RCW46.20.285.

☐ The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.

☐ The crime(s) charged in Count _____ involve(s) **domestic violence. RCW 10.99.020.**

☐ Counts _____ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589).

☐ **Other current convictions listed under different cause numbers used in calculating the offender score are** (list offense and cause number):

	Crime	Cause Number	Court (county & state)
1.			

☐ Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History (RCW 9.94A.525):

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	DV?*	Type
1	See attached criminal history						

*DV: Domestic Violence was pled and proved

☒ Additional criminal history is attached in Appendix 2.2.

☐ The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.

☐ The prior convictions for _____ are one offense for purposes of determining the offender score (RCW 9.94A.525).

☐ The prior convictions for _____ are not counted as points but as enhancements pursuant to RCW 46.61.520.

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term	Maximum Fine
01	24	X	149 MONTHS to 198 MONTHS	None	149 MONTHS to 198 MONTHS	LIFE	$50,000.00
02	24	X	149 MONTHS to 198 MONTHS	None	149 MONTHS to 198 MONTHS	LIFE	$50,000.00
03	24	VII	87 MONTHS to 116 MONTHS	None	87 MONTHS to 116 MONTHS	10 YEARS	$20,000.00
04	24	VII	87 MONTHS to 116 MONTHS	None	87 MONTHS to 116 MONTHS	10 YEARS	$20,000.00
07	24	VII	87 MONTHS to 116 MONTHS	None	87 MONTHS to 116 MONTHS	10 YEARS	$20,000.00
08	24	VII	87 MONTHS to 116 MONTHS	None	87 MONTHS to 116 MONTHS	10 YEARS	$20,000.00
09	24	V	60 months	None	60 months	5 YEARS	$10,000.00
10	24	X	149 MONTHS to 198 MONTHS	None	149 MONTHS to 198 MONTHS	LIFE	$50,000.00
11	24	X	149 MONTHS to 198 MONTHS	None	149 MONTHS to 198 MONTHS	LIFE	$50,000.00

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude.

☐ Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended **sentencing agreements or plea agreements** are ☐ attached ☐ as follows: _____.

2.4 ☒ Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:

☐ below the standard range for Count(s) _____.

☒ above the standard range for Count(s) _____.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☒ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☒ found by jury, by special interrogatory. Of some crimes not count because

☐ within the standard range for Count(s) _____ but served consecutively to Count(s) exceeded.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence. maximum points

2.5 Ability to Pay Legal Financial Obligations. The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds:

☒ That the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

_____.

☐ The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

III. Judgment

3.1 The defendant is ***guilty*** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 ☐ The court ***dismisses*** Counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court sentences the defendant to total confinement as follows:

(a) ***Confinement.*** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

240 months on Count 01
240 months on Count 02
116 months on Count 03
116 months on Count 04
116 months on Count 07
116 months on Count 08
60 months on Count 09
240 months on Count 10
240 months on Count 11

☐ The confinement time on Count(s)_____ contain(s) a mandatory minimum term of _____.

☐ The confinement time on Count _____ includes _____ months as enhancement for ☐ firearm ☐ deadly weapon ☐ sexual motivation ☐ VUCSA in a protected zone ☐ manufacture of methamphetamine with juvenile present ☐ sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: 240 months.

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____.

The sentence herein shall run consecutively with any other sentence previously imposed in any other case, including other cases in District Court or Superior Court, unless otherwise specified herein:

_____.

Confinement shall commence immediately unless otherwise set forth here: _____

_____.

The total time of incarceration and community supervision shall not exceed the statutory maximum for the crime.

(b) ***Confinement.*** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count	01	minimum term	240 months	maximum term	Statutory Maximum/ Life
Count	02	minimum term	240 months	maximum term	Statutory Maximum/ Life
Count	03	minimum term		maximum term	Statutory Maximum
Count	04	minimum term		maximum term	Statutory Maximum
Count	07	minimum term		maximum term	Statutory Maximum
Count	08	minimum term		maximum term	Statutory Maximum
Count	09	minimum term		maximum term	Statutory Maximum
Count	10	minimum term	240 months	maximum term	Statutory Maximum/ Life

Count 11 minimum term 240 months maximum term Statutory Maximum / Life

(c) ***Credit for Time Served***: The defendant shall receive 43 days credit for time served prior to sentencing for confinement that was solely under this cause number. RCW 9.94A.505. The jail shall compute earned early release credits (good time) pursuant to its policies and procedures.

(d) ☐ ***Work Ethic Program***. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community placement or community custody see RCW 9.94A.701)

(A) The defendant shall be on community placement or community custody for the longer of:

(1) the period of early release. RCW 9.94A.728(1)(2); or

(2) the period imposed by the court, as follows:

Count(s) 3, 4, 7, 8, 9 36 months Sex Offenses
Count(s) _____ 36 months for Serious Violent Offenses
Count(s) _____ 18 months for Violent Offenses
Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For count(s) 01, 02, 10, 11, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum.

The total time of incarceration and community supervision/custody shall not exceed the statutory maximum for the crime.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

☐ consume no alcohol.

☒ have no contact with: Alexus Brinkley, Britney Sorenson, Brooke Sorenson

☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit:

_____

☒ not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030(8).

☐ participate in the following crime-related treatment or counseling services:

_____

☒ undergo an evaluation for treatment for ☐ domestic violence ☒ substance abuse ☐ mental health ☐ anger management, and fully comply with all recommended treatment. _____

☐ comply with the following crime-related prohibitions: _____

_____

_____.

☒ Additional conditions are imposed, if attached or are as follows:

ATTACHED APPENDIX A

ATTACHED APPENDIX F

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

4.3a Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE			
RTN/RJN	$ To be set	Restitution to: _____ (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)	
PCV	$ 500.00	Victim assessment	RCW 7.68.035
PDV	$_____	Domestic Violence assessment	RCW 10.99.080
CRC	$ 1462.87	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee $ 200.00 FRC	
		Witness costs $ 1032.87 WFR	
		Sheriff service fees $_____ SFR/SFS/SFW/WRF	
		Jury demand fee $250.00 JFR	
		Extradition costs $_____ EXT	
		Other $_____	
PUB	$ 2,250.00	Fees for court appointed attorney	RCW 9.94A.760
	$_____	Trial per diem, if applicable.	
WFR	$698.00	Court appointed defense expert and other defense costs	RCW 9.94A.760
	$_____	DUI fines, fees and assessments	
FCM/MTH	$ 500.00	Fine RCW 9A.20.021; ☐ VUCSA chapter 69.50 RCW, ☐ VUCSA additional fine deferred due to indigency RCW 69.50.430	
CDF/LDI/FCD NTF/SAD/SDI	$_____	Drug enforcement Fund # ☐ 1015 ☐ 1017 (TF)	RCW 9.94A.760
	$ 100.00	DNA collection fee RCW 43.43.7541	
CLF	$_____	Crime lab fee ☐ suspended due to indigency	RCW 43.43.690

FPV	$_____	Specialized forest products	RCW 76.48.140
RTN/RJN	$_____	Emergency response costs (Vehicular Assault, Vehicular Homicide, Felony DUI only, $1000 maximum) Agency: _____	RCW 38.52.430
	$_____	Other fines or costs for: _____	
	$_____	***Total***	RCW 9.94A.760

☒ The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☒ shall be set by the prosecutor.

☐ is scheduled for _____ (date).

☐ The defendant waives any right to be present at any restitution hearing (sign initials): _____.

☐ ***Restitution*** Schedule attached.

☐ Restitution ordered above shall be paid jointly and severally with:

RJN	**Name** of other defendant	**Cause Number**	Victim's name	Amount

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than $ 100.00 per month commencing upon release. RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

☐ The court orders the defendant to pay costs of incarceration at the rate of $_____ per day, (actual costs not to exceed $100 per day). (*JLR*) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.3b ☐ Electronic Monitoring Reimbursement. The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring in the amount of $_____.

4.4 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☒ ***HIV Testing.*** The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 No Contact:

☒ The defendant shall not have contact with ALEXUS K BRINKLEY, BRITNEY E SORENSON, BROOKE L SORENSON _____ including, but not limited to, personal,

verbal, telephonic, written or contact through a third party for life ~~years~~ (which does not exceed the maximum statutory sentence).

☒ The defendant is excluded or prohibited from coming within:

☐ 500 feet ☐ 880 feet ☒ 1000 feet of:

☒ ALEXUS K BRINKLEY. BRITNEY E SORENSON, BROOKE L SORENSON
(name of protected person(s))'s

☒ home/ residence ☒ work place ☒ school

☒ (other location(s)) person

☐ other location _____,

for life ~~years~~ (which does not exceed the maximum statutory sentence).

☐ A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

4.6 Other: _____

_____

_____

_____.

4.7 Off-Limits Order. (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

_____.

4.8 For Offenders on Community Custody, when there is reasonable cause to believe that the defendant has violated a condition or requirement of this sentence, the defendant shall allow, and the Department of Corrections is authorized to conduct, searches of the defendant's person, residence, automobile or other personal property. Residence searches shall include access, for the purpose of visual inspection, all areas of the residence in which the defendant lives or has exclusive/joint control/access and automobiles owned or possessed by the defendant.

4.9 If the defendant is removed/deported by the U.S. Immigration and Customs Enforcement, the Community Custody time is tolled during the time that the defendant is not reporting for supervision in the United States. The defendant shall not enter the United States without the knowledge and permission of the U.S. Immigration and Customs Enforcement. If the defendant re-enters the United States, he/she shall immediately report to the Department of Corrections if on community custody or the Clerk's Collections Unit, if not on Community Custody for supervision.

V. Notices and Signatures

5.1 Collateral Attack on Judgment. If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 Length of Supervision. If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless

of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 Community Custody Violation.

(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.

(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.

5.5 Firearms. You may not own, use or possess any firearm unless your right to do so is restored by a superior court in Washington State, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040 and RCW 9.41.047.

5.6 Sex and Kidnapping Offender Registration. Laws of 2010, ch. 367 § 1, 10.01.200.

1. General Applicability and Requirements: Because this crime involves unlawful imprisonment involving a minor as defined in Laws of 2010, ch. 367 § 1, you are required to register.

If you are a resident of Washington you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington, or you are employed in Washington, or you carry on vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your rlease with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If you move to Washington or if you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with reutrn receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you registered.

4. Leaving the State or Moving to Another State: If you move to another state, or if you work,

carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within three business days prior to arriving at the institution. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within three business days prior to beginning to work at the institution. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within three business days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

8. Length of Registration:

☒ Class A felony – Life; ☐ Class B Felony – 15 years; ☐ Class C felony – 10 years

5.7 Motor Vehicle: If the court found that you used a motor vehicle in the commission of the offense, then the Department of Licensing will revoke your driver's license. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.

5.8 Other: _____.

5.9 Persistent Offense Notice

The crime(s) in count(s) 1,2,3,4,7,8,10,11 is/are "most serious offense(s)." Upon a third conviction of a "most serious offense", the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.030, 9.94A.570

The crime(s) in count(s) 1, 2, 10, 11 is/are one of the listed offenses in RCW 9.94A.030.(31)(b). Upon a second conviction of one of these listed offenses, the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody.

Done in Open Court and in the presence of the defendant this date: March 8, 2012.

Judge/Print Name Richard A. Melnick

Deputy Prosecuting Attorney	Attorney for Defendant	Defendant
WSBA No. 36726	WSBA No. 09072	Print Name:
Print Name: Anna M. Klein	Print Name: James J. Sowder	RONALD LEE SORENSON

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: _____

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is ture and correct.

Signed at Vancouver, Washington on (date): _____

_____ _____

Interpreter Print Name

I, Scott G. Weber, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

Witness my hand and seal of the said Superior Court affixed this date: _____.

Clerk of the Court of said county and state, by: _____, Deputy Clerk

Identification of the Defendant

RONALD LEE SORENSON

10-1-01995-2

SID No: _____ Date of Birth: 6/28/1971
(If no SID take fingerprint card for State Patrol)

FBI No. Local ID No. 128570

PCN No. _____ Other _____

Alias name, DOB:

Race: W **Ethnicity:** **Sex:** M

Fingerprints: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk, _____ Dated: 3-8-2012

Seal of the Superior Court STATE OF WASHINGTON Of Clark County

The defendant's signature:

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously

SUPERIOR COURT OF WASHINGTON - COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. RONALD LEE SORENSON, Defendant. SID: _____ DOB: 6/28/1971	NO. 10-1-01995-2 **WARRANT OF COMMITMENT TO STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS**

THE STATE OF WASHINGTON, to the Sheriff of Clark County, Washington, and the State of Washington, Department of Corrections, Officers in charge of correctional facilities of the State of Washington:

GREETING:

WHEREAS, the above-named defendant has been duly convicted in the Superior Court of the State of Washington of the County of Clark of the crime(s) of:

COUNT	CRIME	RCW	DATE OF CRIME
01	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	3/9/2002 to 3/8/2004
02	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	12/9/2002 to 3/8/2008
03	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	3/9/2004 to 3/9/2006
04	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	3/9/2004 to 3/8/2006
07	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	8/23/2004 to 8/22/2007
08	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	8/23/2004 to 8/22/2007
09	CHILD MOLESTATION IN THE THIRD DEGREE	9A.44.089	8/23/2007 to 8/22/2009

COUNT	CRIME	RCW	DATE OF CRIME
10	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	12/12/2003 to 12/11/2005
11	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	12/12/2003 to 12/11/2005

and Judgment has been pronounced and the defendant has been sentenced to a term of imprisonment in such correctional institution under the supervision of the State of Washington, Department of Corrections, as shall be designated by the State of Washington, Department of Corrections pursuant to RCW 72.13, all of which appears of record; a certified copy of said judgment being endorsed hereon and made a part hereof,

NOW, THIS IS TO COMMAND YOU, said Sheriff, to detain the defendant until called for by the transportation officers of the State of Washington, Department of Corrections, authorized to conduct defendant to the appropriate facility, and this is to command you, said Superintendent of the appropriate facility to receive defendant from said officers for confinement, classification and placement in such correctional facilities under the supervision of the State of Washington, Department of Corrections, for a term of confinement of :

COUNT	CRIME	TERM
01	CHILD MOLESTATION IN THE FIRST DEGREE	240 (Days/Months)
02	CHILD MOLESTATION IN THE FIRST DEGREE	240 (Days/Months)
03	CHILD MOLESTATION IN THE SECOND DEGREE	116 (Days/Months)
04	CHILD MOLESTATION IN THE SECOND DEGREE	116 (Days/Months)
07	CHILD MOLESTATION IN THE SECOND DEGREE	116 (Days/Months)
08	CHILD MOLESTATION IN THE SECOND DEGREE	116 (Days/Months)
09	CHILD MOLESTATION IN THE THIRD DEGREE	90 (Days/Months)
10	CHILD MOLESTATION IN THE FIRST DEGREE	240 (Days/Months)
11	CHILD MOLESTATION IN THE FIRST DEGREE	240 (Days/Months)

These terms shall be served concurrently to each other unless specified herein:

The defendant has credit for 43 days served.

The term(s) of confinement (sentence) imposed herein shall be served consecutively to any other term of confinement (sentence) which the defendant may be sentenced to under any other cause in either District Court or Superior Court unless otherwise specified herein:

And these presents shall be authority for the same.

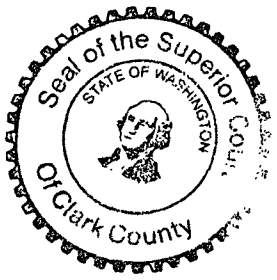
HEREIN FAIL NOT.

WITNESS, Honorable Rick Melnick

JUDGE OF THE SUPERIOR COURT AND THE SEAL THEREOF THIS DATE: 3-8-2012.

SCOTT G. WEBER, Clerk of the
Clark County Superior Court

By: _____
Deputy



"APPENDIX A"
9.94A.507

_____) CONDITIONS OF SENTENCE/COMMUNITY CUSTODY

1. You shall commit no law violations.

2. You shall report to and be available for contact with the assigned community corrections officer as directed.

3. You shall work at a Department of Corrections approved education program, employment program, and/or community service program as directed.

4. You shall not possess, consume, or deliver controlled substances, except pursuant to a lawfully issued prescription.

5. You shall pay a community placement/supervision fee as determined by the Department of Corrections.

6. You shall not have any direct or indirect contact with the victims, including but not limited to personal, verbal, telephonic, written, or through a third person without prior written permission from his community corrections officer, his therapist, the prosecuting attorney, and the court only after an appropriate hearing. This condition is for the statutory maximum sentence of ___LIFE___ , and shall also apply during any incarceration.

   VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 10.99 RCW AND WILL SUBJECT THE VIOLATOR TO ARREST; ANY ASSAULT OR RECKLESS ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER IS A FELONY.

7. You shall not enter into or frequent business establishments or areas that cater to minor children without being accompanied by a responsible adult. Such establishments may include but are not limited to video game parlors, parks, pools, skating rinks, school grounds, malls or any areas routinely used by minors as areas of play/recreation.

8. You shall not have any contact with minors. This provision begins at time of sentencing. This provision shall not be changed without prior written approval by the community corrections officer, the therapist, the prosecuting attorney, and the court after an appropriate hearing.

9. You shall remain within, or outside of, a specified geographical boundary as ordered by your community corrections officer.

10. Your residence location and living arrangements shall be subject to the prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.

11. You must consent to allow home visits by Department of Corrections to monitor compliance with supervision. This includes search of the defendant's person, residence, automobile, or other personal property, and home visits include access for the purposes of inspection of all areas the defendant lives or has exclusive/joint control or access. RCW 9.94A.631

12. Your employment locations and arrangements shall be subject to prior approval of your community corrections officer and shall not be changed without the prior knowledge and permission of the officer.

13. You shall not possess, use, or own any firearms or ammunition.

14. ☐ You shall not possess or consume alcohol.

15. ☒ You shall submit to urine, breath, or other screening whenever requested to do so by the program staff or your community corrections officer.

16. ☒ You shall not possess any paraphernalia for the use of controlled substances.

17. ☐ You shall not be in any place where alcoholic beverages are the primary sale item.

18. ☐ You shall take antabuse per community corrections officer's direction.

19. You shall attend an evaluation for abuse of ☒drugs, ☐alcohol, ☐mental health, ☐anger management, or ☐parenting and shall attend and successfully complete all phases of any recommended treatment as established by the community corrections officers and/or treatment facility.

20. You shall enter into, cooperate with, fully attend and successfully complete all inpatient and outpatient phases of a Washington State certified sexual deviancy treatment program as established by the community corrections officer and/or the treatment facility. You shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, community corrections officer and shall not change providers without court approval after a hearing if the prosecutor and/or community corrections officer object to the change. "Cooperate with" means you shall follow all treatment directives, accurately report all sexual thoughts, feelings and behaviors in a timely manner and cease all deviant sexual activity.

21. The sex offender therapist shall submit quarterly reports on your progress in treatment to the court, Department of Corrections, and prosecutor and you shall execute a release of information to the community corrections officer, prosecutor and the court so that the treatment provider can discuss the case with them. The quarterly report shall reference the treatment plan and include the following, at a minimum: dates of attendance, your compliance with requirements, treatment activities, and your relative progress in treatment.

22. During the time you are under order of the court, you shall, at your own expense, submit to polygraph examinations at the request of the Community Corrections Order and/or the Prosecuting Attorney's office (but in no event less than twice yearly). Copies shall be provided to the Prosecuting Attorney's office upon request. Such exams will be used to ensure compliance with the conditions of community supervision/placement, and the results of the polygraph examination can be used by the State in revocation hearings.

23. You shall submit to plethysmography exams, at your own expense, at the direction of the community corrections officer and copies shall be provided to the Prosecutor's Office upon request.

24. You shall register as a sex offender with the County Sheriff's Office in the county of residence as defined by RCW 9.94A.030.

25. You shall not use/possess sexually explicit material as defined in RCW 9.68.130(2).

26. You shall sign necessary release information documents as required by Department of Corrections or the Prosecuting Attorney, to monitor your compliance with any of the conditions of this Judgment and Sentence. And, you shall stipulate that the Prosecuting Attorney can disseminate copies of any psychosexual evaluations and polygraph tests in this matter to the ISRB.

27. If the offense was committed on or after July 24, 2005, you may not reside within eight hundred eighty (880) feet of the facilities and grounds of a public or private school. RCW 9.94A.030

The undersigned defendant agrees that he has read this Appendix A, or it has been read and explained to him; that he understands it, agrees with it, and has no questions about it. This is a binding agreement upon the undersigned defendant that is entered into knowingly, voluntarily and intelligently, as part of the plea of guilty and Judgment and Sentence.

Dated: 7/8/2012 Signed: _____

Print name: RONALD LEE SORENSON
Defendant

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON	)	**Cause No.: 10-1-01995-2**
	)	
Plaintiff	)	**JUDGEMENT AND SENTENCE (FELONY)**
v.	)	**APPENDIX F**
RONALD LEE SORENSON	)	**ADDITIONAL CONDITIONS OF SENTENCE**
Defendant	)	
	)	
DOC No. 355432	)	

CRIME RELATED CONDITIONS:

- **No contact with minors under the age of eighteen**
- **Complete a certified sex offender treatment program**
- **No victim contact**
- **Submit to polygraph examinations at the direction of the Community Corrections Officer**
- **Submit to urine and/or breath screening at the direction of the Community Corrections Officer**

3/8/12
DATE

JUDGE, CLARK COUNTY SUPERIOR COURT

TYPIST/CCO/09-130.rtf
DATE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. RONALD LEE SORENSON, Defendant	No. 10-1-01995-2 DECLARATION OF CRIMINAL HISTORY

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.525 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	PTS.
NO FELONY CONVICTIONS				

☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.360.

DATED this 8th day of March, 2012.

Defendant

James J. Sowder, WSBA #09072
Attorney for Defendant

Anna M. Klein, WSBA #36726
Deputy Prosecuting Attorney

CLARK COUNTY PROSECUTING ATTORNEY
PO BOX 5000
VANCOUVER, WASHINGTON 98666
(360) 397-2261 (OFFICE)

Superior Court of Washington
County of

State of Washington, Plaintiff, vs. RONALD LEE SORENSON, Defendant.	**No. 10-1-01995-2** **Findings of Fact and Conclusions of Law for an Exceptional Sentence** **(Appendix 2.4B Judgment and Sentence)** **(Optional)** **(FNFCL)**

The court imposes upon the defendant an exceptional sentence [X] above [ ] within [ ] below the standard range based upon the following Findings of Fact and Conclusions of Law:

Findings of Fact

I. The exceptional sentence is justified by the following aggravating circumstances:

(a) The defendant used his position of trust or confidence to facilitate the commission of the current offenses. RCW 9.94A.535(3)(n).

(b) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished. RCW 9.94A.535(2)(c).

[X] The grounds listed in the preceding paragraph, taken together or considered individually, constitute sufficient cause to impose the exceptional sentence. This court would impose the same sentence if only one of the grounds listed in the preceding paragraph is valid.

II. _____

_____

_____

Conclusions of Law

I. There are substantial and compelling reasons to impose an exceptional sentence pursuant to RCW 9.94A.535.

II. _____

_____

_____

Dated: March 8, 2012

Judge/Print Name: Richard A. Melnick

Deputy Prosecuting Attorney WSBA No. 36726 Print Name: Anna M. Klein	Attorney for Defendant WSBA No. 09072 Print Name: James J. Sowder	Defendant Print Name: Ronald Lee Sorenson

APPENDIX B

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. RONALD LEE SORENSON, Appellant.	No. 43199-8-II UNPUBLISHED OPINION

JOHANSON, A.C.J. — Ronald Lee Sorenson appeals his jury convictions and sentences for multiple sex crimes. Sorenson claims that (1) the trial court manifestly abused its discretion by denying a continuance, (2) the State offered insufficient evidence for his first degree child molestation convictions, (3) the trial court erred by failing to provide a limiting instruction, (4) the prosecutor's misconduct denied him a fair trial, and (5) scrivener's errors plague his judgment and sentence. Because the trial court did not abuse its discretion by denying the continuance, the State offered sufficient evidence to support the convictions, the trial court provided a limiting instruction, and Sorenson did not demonstrate that prosecutorial misconduct resulted in reversible error, we affirm. But we accept the State's concession and remand to correct the scrivener's errors in Sorenson's judgment and sentence.

FACTS

The State charged Sorenson with two counts of first degree child molestation[1] and two counts of second degree child molestation[2] against BES, two counts of second degree child molestation and one count of third degree child molestation[3] against BLS, and two counts of first degree child molestation against AKB.[4] BES, BLS, and AKB are all related to Sorenson.

Before trial, Sorenson moved for a continuance so that he could obtain impeachment evidence. He sought information about a subsequently added victim, evidence from Facebook, and he wanted to interview 72 additional potential witnesses. The State contested the continuance motion, arguing that (1) the case was over a year old; (2) Sorenson's new attorney had been working the case for six months; (3) the State added its latest victim a month and a half earlier; and (4) Sorenson's desired evidence was irrelevant and cumulative, so his need for it did not outweigh the detriment of delay to the victims. The trial court denied Sorenson's continuance motion after considering the State's arguments and judicial economy interests.

At trial, BES testified that when she was 11, she woke up roughly 10 times with Sorenson's hand touching her sexual or intimate parts. AKB testified that when she was 8 or 9, Sorenson would lie with her on the couch "spooning style" 15 to 20 times, touching her sexual or intimate parts. 3B Report of Proceedings (RP) at 371. BLS testified that when she was between

---

[1] RCW 9A.44.083.

[2] RCW 9A.44.086.

[3] RCW 9A.44.089.

[4] We use initials to protect the minor victims' privacy. The State also charged Sorenson with sex crimes against two other victims. The jury acquitted Sorenson of those charges and they are not relevant to this appeal.

11 and 14 years old, she woke up two times with her hand touching Sorenson's sexual or intimate parts; on one of those occasions, Sorenson's hand was also touching BLS's sexual or intimate parts. Additionally, BLS testified that when she was 14, she woke up with Sorenson's hand touching her sexual or intimate parts.

Sorenson testified in his own defense, explaining that the girls frequently climbed into bed or onto the couch with him when he was sleeping. While Sorenson admitted that he "cuddled" with the girls, he denied ever inappropriately touching them. 4A RP at 496. He also acknowledged that had he touched any of the girls, the touching was purely accidental during the course of cuddling.

After the presentation of evidence, Sorenson requested an instruction to limit consideration of evidence regarding each victim to the charges relating to that victim. Sorenson proposed his own limiting instruction, but the trial court refused to read it to the jury because it inaccurately stated the law. The trial court did, however, direct the jury in its final instructions, "A separate crime is charged in each count. You must decide each count separately. Your verdict on one count should not control your verdict on any other count." 4A RP at 568.

During closing argument, the prosecutor made the following statements to convince the jury of the victims' credibility beyond a reasonable doubt. (1) "[I]f you have an abiding belief that these girls testified truthfully, you have an abiding belief in what they said, you are satisfied beyond a reasonable doubt." 4B RP at 577-78. (2) "I want to go through each girl and submit -- and show you how they are credible and how you should have an abiding belief in what they are saying." 4B RP at 578. (3) "And they have come forward now and taken an oath to tell all of you the truth about what happened." 4B RP at 593.

> [(4)] And you should have an abiding belief that they told you the truth. You should have an abiding belief that he is guilty. And if you do have an abiding belief in the truth of what those girls said, then it is your sworn duty, your sworn obligation, and your sworn responsibility to find him guilty.

4B RP at 594. (5) "[I]f you have an abiding belief that equals a reasonable -- beyond a reasonable doubt." 4B RP at 649. Defense counsel objected only to this last statement. The jury found Sorenson guilty of these crimes against BES, BLS, and AKB, and Sorenson appeals.[5]

ANALYSIS

I. DENIED CONTINUANCE

Sorenson argues that the trial court manifestly abused its discretion by denying defense counsel's continuance motion. The trial court, however, properly weighed the relevant factors and it did not manifestly abuse its discretion when it denied the continuance motion.

We review the trial court's grant or denial of a continuance for manifest abuse of discretion. *State v. Campbell*, 103 Wn.2d 1, 14, 691 P.2d 929 (1984), *cert. denied*, 471 U.S. 1094 (1985). A trial court manifestly abuses its discretion when it exercises its discretion on clearly untenable grounds or is manifestly unreasonable. *State v. Yuen*, 23 Wn. App. 377, 380, 597 P.2d 401 (quoting *Friedlander v. Friedlander*, 80 Wn.2d 293, 298, 494 P.2d 208 (1972)), *review denied*, 92 Wn.2d 1030 (1979). In granting or denying a continuance, a trial court may weigh factors such as the defendant's right to a fair trial, diligence of counsel in investigating issues, whether the trial court granted previous continuances, and the availability of evidence or witnesses. *See State v. Watson*, 69 Wn.2d 645, 650-51, 419 P.2d 789 (1966).

Before denying the continuance motion, the trial court considered that (1) the case was over a year old; (2) Sorenson's new attorney had been working the case for six months; and (3)

[5] The jury also found that Sorenson used his position of trust to facilitate those crimes.

the evidence Sorenson wanted to obtain was irrelevant, cumulative, and did not outweigh the detriment of delay to the victims. The trial court also articulated that it intended to deny the continuance in the interest of judicial economy. Sorenson cannot show that his desired impeachment evidence, which had been available throughout the case, was crucial to his defense or that his attorney was diligent in securing it. Thus, he cannot demonstrate that the trial court denied the continuance based on clearly untenable grounds or reasons; accordingly, he does not show that the trial court manifestly abused its discretion.

II. SUFFICIENT EVIDENCE

Sorenson next argues that the State failed to prove his first degree child molestation charges beyond a reasonable doubt because it could not show he acted for sexual gratification. We disagree because the record demonstrates that the State sufficiently proved the crimes.

We review claims of insufficient evidence to determine whether, "after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found guilt beyond a reasonable doubt." *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). We draw all reasonable inferences from the evidence in favor of the State and against the defendant. *Salinas*, 119 Wn.2d at 201. A sufficiency challenge admits the truth of the State's evidence and all reasonable inferences from it. *State v. Theroff*, 25 Wn. App. 590, 593, 608 P.2d 1254, *aff'd*, 95 Wn.2d 385, 622 P.2d 1240 (1980). We leave credibility determinations to the fact finder and do not review them on appeal. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990).

To prove first degree child molestation, the State needed to prove beyond a reasonable doubt that Sorenson had sexual contact with a victim who is less than 12 years old, that the victim and Sorenson are not married, and that Sorenson is at least 36 months older than the victim. *See* RCW 9A.44.083(1). "Sexual contact" means any touching of the sexual or other

intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party. RCW 9A.44.010(2). Sorenson specifically argues there is insufficient evidence that he had contact with BES and AKB for purposes of sexual gratification. The record does not support his claim.

Sorenson analogizes to *State v. Powell*, 62 Wn. App. 914, 816 P.2d 86 (1991), *review denied*, 118 Wn.2d 1013 (1992), to argue that he only touched the girls inadvertently, and that any touching "was susceptible to innocent explanation." Statement of Additional Grounds at 18. In *Powell*, the sexual contact was "fleeting" and "susceptible of innocent explanation," so the court held that no rational trier of fact could have found sexual contact beyond a reasonable doubt and reversed Powell's conviction. 62 Wn. App. at 918.

Here, unlike *Powell*, Sorenson touched BES and AKB neither fleetingly nor inadvertently. BES testified that Sorenson touched her roughly 10 times; she woke up numerous times with Sorenson's hand touching her sexual or intimate parts. AKB testified that Sorenson would lie with her on the couch "spooning style" 15 to 20 times, touching her sexual or intimate parts. 3B RP at 371. Taken in the light most favorable to the State, any rational trier of fact could have concluded from this evidence that Sorenson touched the girls' sexual or intimate parts for sexual gratification; thus, the State sufficiently proved the sexual contact element of Sorenson's first degree child molestation convictions and his claim fails.

III. LIMITING INSTRUCTION

Sorenson next argues that the trial court violated his right to a fair trial by failing to give a limiting instruction. We disagree.

Generally, when a trial court admits evidence for a limited purpose and the party against whom it was admitted requests a limiting instruction, trial courts must give an instruction. ER

105; *State v. Aaron*, 57 Wn. App. 277, 281, 787 P.2d 949 (1990). Although trial courts may refuse to give limiting instructions that erroneously state the law, once a defendant requests even an erroneous limiting instruction in the ER 404(b) context, the trial court has a duty to provide a correct limiting instruction. *State v. Gresham*, 173 Wn.2d 405, 424-25, 269 P.3d 207 (2012). The trial court has broad discretion to fashion its own limitation on the use of evidence. *State v. Hartzell*, 156 Wn. App. 918, 937, 237 P.3d 928 (2010).

Here, the trial court properly refused to give Sorenson's erroneous limiting instruction, which included inaccurate language: "When deciding *the guilt or innocence of a victim* on each count, evidence in other alleged counts can only be used for the limited purpose of showing common scheme or plan." 4A RP at 538 (emphasis added). The trial court, however, properly directed the jury in its final instructions: "A separate crime is charged in each count. You must decide each count separately. Your verdict on one count should not control your verdict on any other count." 4A RP at 568. Sorenson failed to challenge this instruction's validity at trial or on appeal; thus, he does not demonstrate that the trial court improperly instructed the jury.

IV. PROSECUTORIAL MISCONDUCT

Sorenson next argues that the prosecutor committed misconduct by shifting the burden of proof to Sorenson, prejudicing his trial. We disagree because even if we assume, without deciding, that the prosecutor erred, Sorenson fails to show enduring and lasting prejudice incurable by a remedial instruction.

An appellant claiming prosecutorial misconduct must show both improper conduct and resulting prejudice. *State v. Emery*, 174 Wn.2d 741, 756, 278 P.3d 653 (2012). A defendant suffers prejudice only where there is a substantial likelihood the misconduct affected the jury's verdict. *State v. Brown*, 132 Wn.2d 529, 561, 940 P.2d 546 (1997), *cert. denied*, 523 U.S. 1007

(1998). We review a prosecutor's comments during closing argument in the context of the total argument, the issues in the case, the evidence addressed in the argument, and the jury instructions. *Brown*, 132 Wn.2d at 561. When defense counsel fails to object to alleged prosecutorial misconduct at trial, she or he does not preserve the issue for appeal unless the misconduct is so flagrant and ill intentioned that it evinces an enduring and resulting prejudice incurable by a remedial instruction. *Emery*, 174 Wn.2d at 760-61.

Although Sorenson failed to object at trial to four of the five challenged statements, he argues that for the four unchallenged statements, the prosecutor committed flagrant misconduct by equating "reasonable doubt" with "abiding belief." Br. of Appellant at 9. Specifically, Sorenson argues that the prosecutor committed misconduct by arguing that if the jury has an abiding belief that the victims testified truthfully, then the jury is satisfied beyond a reasonable doubt that Sorenson is guilty. Sorenson cites *State v. Anderson*, 153 Wn. App. 417, 220 P.3d 1273 (2009), *review denied*, 170 Wn.2d 1002 (2010), to support his argument that the prosecutor here improperly told the jury its job was to determine the "truth" and solve the case. Sorenson's argument lacks merit.

First, we must analyze the four statements that Sorenson challenges for the first time on appeal. For us to consider these statements for the first time on appeal, Sorenson must demonstrate that these statements constituted flagrant and ill-intentioned misconduct incurable by a remedial instruction. *See Emery*, 174 Wn.2d at 760-61. Here, the prosecutor's four statements informed the jury that if it had an abiding belief that the victims testified truthfully, then it was satisfied beyond a reasonable doubt that Sorenson was guilty.

Even assuming without deciding that these statements constituted misconduct, Sorenson does not demonstrate that these statements were flagrant or ill intentioned or that any

misstatement of the law could not have been cured by a remedial instruction that clarified the reasonable doubt standard. *See Emery*, 174 Wn.2d at 758-59 (explaining that a misstatement of the "esoteric" reasonable doubt standard that shifts the burden of proof may be "certainly and seriously wrong" but does not demonstrate bad faith or an attempt to inject bias). Accordingly, he failed to show flagrant and ill-intentioned conduct incurable by a remedial instruction; so he did not preserve these challenges for appeal. *See Emery*, 174 Wn.2d at 760-61.

Next, regarding Sorenson's preserved prosecutorial misconduct claim, we review the prosecutor's argument for improper conduct and resulting prejudice. *Emery*, 174 Wn.2d at 756. Sorenson argues that the prosecutor's statement, "[I]f you have an abiding belief that equals a reasonable -- beyond a reasonable doubt," misstated the basis on which the jury could acquit. 4B RP at 649. Even assuming, without deciding, that Sorenson may show that this statement constitutes misconduct, he cannot demonstrate resulting prejudice—he cannot show that the statement likely affected the jury's verdict.

Here, Sorenson denied that any inappropriate touching ever happened, and he contended that even had it happened, the touching occurred accidentally in the course of cuddling with the victims. But the jury heard testimony from BES, BLS, and AKB, who each testified that on multiple occasions, they each woke up to Sorenson touching their sexual or intimate parts. And the trial court instructed the jury that it must decide each count against each victim separately, such that the verdict on one count should not control other verdicts. Sorenson does not demonstrate that absent the prosecutor's allegedly improper argument, the jury would not have believed the victims' testimony beyond a reasonable doubt. Thus, Sorenson does not show prejudice and his prosecutorial misconduct claim fails.

V. SCRIVENER'S ERRORS

Sorenson argues, and the State concedes, that his judgment and sentence contains scrivener's errors. We accept the State's concession and remand to correct those errors.

A defendant may challenge an erroneous sentence for the first time on appeal. *State v. Bahl*, 164 Wn.2d 739, 744, 193 P.3d 678 (2008). The remedy for a scrivener's error in a judgment and sentence is remand to the trial court for correction. *See State v. Naillieux*, 158 Wn. App. 630, 646, 241 P.3d 1280 (2010); CrR 7.8(a).

Sorenson's judgment and sentence incorrectly states the dates that Sorenson committed the offenses in counts 2, 3, and 9. Sorenson committed count 2 between March 9, 2002 and March 8, 2004; count 3 between March 9, 2003 and March 8, 2006; and count 9 between August 23, 2006 and August 22, 2009. We accept the State's concession and remand to the trial court for it to correct Sorenson's judgment and sentence on counts 2, 3, and 9 to accurately reflect when Sorenson committed those crimes.

We affirm, but remand to correct scrivener's errors in Sorenson's judgment and sentence.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Johanson, A.C.J.

JOHANSON, A.C.J.

We concur:

Bjorgen, J.

BJORGEN, J.

Maxa, J.

MAXA, J.

APPENDIX C

12

FILED

AUG 18 2014 10:04

Scott G. Weber, Clerk, Clark Co.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

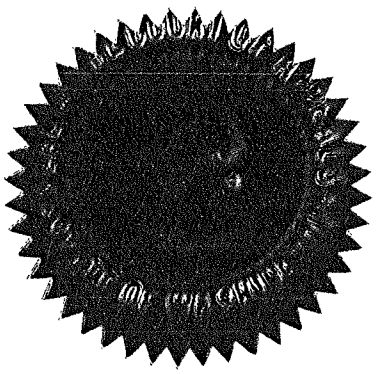
DIVISION II

STATE OF WASHINGTON, Respondent, v. RONALD LEE SORENSON, Appellant.	No. 43199-8-II MANDATE Clark County Cause No. 10-1-01995-2 ***Court Action Required***

The State of Washington to: The Superior Court of the State of Washington
in and for Clark County

This is to certify that the opinion of the Court of Appeals of the State of Washington, Division II, filed on January 28, 2014 became the decision terminating review of this court of the above entitled case on July 9, 2014. Accordingly, this cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the opinion.

Court Action Required: The sentencing court or criminal presiding judge is to place this matter on the next available motion calendar for action consistent with the opinion.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Tacoma, this 12th day of August, 2014.

Clerk of the Court of Appeals,
State of Washington, Div. II

107

Abigail E Bartlett
Clark County Prosecuting Attorney's Offi
1013 Franklin St
Vancouver, WA, 98660-3039
abbie.bartlett@clark.wa.gov

Lisa Elizabeth Tabbut
Attorney at Law
PO Box 1396
Longview, WA, 98632-7822
ltabbutlaw@gmail.com

Ronald Lee Sorenson
DOC#355432
Stafford Creek Corr Ctr
191 Constantine Way
Aberdeen, WA 98520

Hon. Richard A Melnick
Clark Co Superior Court Judge
1200 Franklin Street
Vancouver, WA 98666

WSP Identification & Criminal History Section
ATTN: Quality Control Unit
PO Box 42633
Olympia, WA 98504-2633

APPENDIX D

DOC

2

FILED
2014 SEP 16 AM 9:41
SCOTT G. WEBER, CLERK
CLARK COUNTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. RONALD LEE SORENSON, Defendant.	No. 10-1-01995-2 ORDER CORRECTING JUDGMENT AND SENTENCE

THIS MATTER having come on regularly before the undersigned Judge of the above entitled Court, upon the Motion of the plaintiff, State of Washington, for an Order Correcting the Judgment and Sentence issued on, pursuant to CrR 7.8(a) and the Court now being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that in the Judgment and Sentence filed on March 8, 2012, in State of Washington v. RONALD LEE SORENSON, Clark County Cause No. 10-1-01995-2 shall reflect on Page 1, Section 2.1, Count 02 crime dates between March 9, 2002 and March 8, 2004; Count 03 crime dates between March 9, 2003 and March 8, 2006, and Count 09 between August 23, 2006 and August 22, 2009.

DATED this 15 day of September, 2014.

JUDGE OF THE SUPERIOR COURT

Presented by:

Colin P. Hayes, WSBA #35387
Deputy Prosecuting Attorney

James J. Sowder
Attorney for Defendant WSBA 9072

Ronald Lee Sorenson
Defendant

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

COPY

SEP 03 2014

ORIGINAL FILED-C.J.C.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

STATE OF WASHINGTON, Plaintiff, v. RONALD LEE SORENSON, Defendant.	**No. 10-1-01995-2** **WAIVER OF PRESENCE AT HEARING FOR CORRECTION OF SCRIVENER'S ERRORS**

I, Ronald Lee Sorenson, defendant, knowingly, intelligently, and voluntarily waive my right to be present at the hearing for correction of scrivener's errors in the judgment and sentence.

DATED this 26 day of August 2014.

RONALD LEE SORENSON

Ronald Lee Sorenson
355432
191 Constantine Way
Aberdeen, WA 98520

APPENDIX E

FILED
2014 SEP -3 PM 3:16
SCOTT G. WEBER, CLERK
CLARK COUNTY

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

STATE OF WASHINGTON, Plaintiff, v. RONALD LEE SORENSON, Defendant.	**No. 10-1-01995-2** **WAIVER OF PRESENCE AT HEARING FOR CORRECTION OF SCRIVENER'S ERRORS**

I, Ronald Lee Sorenson, defendant, knowingly, intelligently, and voluntarily waive my right to be present at the hearing for correction of scrivener's errors in the judgment and sentence.

DATED this 26 day of August 2014.

RONALD LEE SORENSON

Ronald Lee Sorenson
355432
191 Constantine Way
Aberdeen, WA 98520

CLARK COUNTY PROSECUTOR

May 20, 2016 - 3:44 PM

Transmittal Letter

Document Uploaded: 7-prp2-481111-Response.pdf

Case Name: In re PRP of Ronald Sorenson

Court of Appeals Case Number: 48111-1

Is this a Personal Restraint Petition? ■ Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: ____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____
Hearing Date(s): _____

Personal Restraint Petition (PRP)

■ Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Jennifer M Casey - Email: jennifer.casey@clark.wa.gov

A copy of this document has been emailed to the following addresses:

khkato@comcast.net